

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS**

THE DAILY WIRE, LLC;
FDRLST MEDIA, LLC;
THE STATE OF TEXAS,

Plaintiffs,

v.

U.S. DEPARTMENT OF STATE;
GLOBAL ENGAGEMENT CENTER;
ANTHONY BLINKEN (official capacity);
LEAH BRAY (official capacity);
JAMES RUBIN (official capacity);
ALEXIS FRISBIE (official capacity);
PATRICIA WATTS ((official capacity);

Defendants.

Case No.: 6:23-cv-00609

CONSENT MOTION FOR EXTENSION OF TIME

Pursuant to Federal Rule of Civil Procedure 6(b)(1)(A), Plaintiffs Daily Wire, Federalist, and the State of Texas respectfully request a nine-day extension to respond to Defendants' Motion to Dismiss, filed August 28, 2024, making their response due September 20, 2024. Defendants request a two-week extension to respond to Plaintiffs' Opposition to Motion to Dismiss, from September 27 to October 11 (assuming this Court grants Plaintiffs' extension request). The parties have all agreed to these extensions. In support of this motion, Plaintiffs state as follows:

1. This action commenced on December 6, 2023. *See* Complaint, ECF No. 1.
2. This Court denied Defendants' Motion to Dismiss, and granted Plaintiffs' Motion for Expedited Discovery, on May 7, 2024. *See* Orders, ECF Nos. 52, 53.
3. Currently, Plaintiffs are in the process of acquiring discovery from Defendants and third parties, pursuant to the Court's Order. *See* ECF No. 54.
4. Defendants served media Plaintiffs with requests for production of documents on August 9, 2024.
5. On August 28, 2024, Defendants filed a Motion to Dismiss or for Reconsideration, in light of the Supreme Court's decision in *Murthy v. Missouri*, No. 23-411 (June 26, 2024).
6. Plaintiffs' Opposition would be due on September 11, 2024, two weeks after filing of Defendants' Motion to Dismiss.
7. Plaintiffs' attorneys are currently operating under the crush of deadlines in other cases, including further briefing in *Missouri v. Biden*, on the question of standing in that case, with a brief due September 17, 2024 as ordered by the court on August 27. *See Missouri v. Biden*, No. 3:22-cv-1213, ECF 389 (Aug. 27, 2024).
8. Plaintiffs' attorneys are also working on a reply motion to compel discovery in the related case for non-party Disinformaton Index, Inc., in the Western District of Texas, which is due September 4, 2024. *See In re Subpoena to Non-Party Disinformation Index, Inc.*, No. 1:24-mc-00963 (W. D. Texas), ECF No. 5 (Aug. 28, 2024) (opposition to motion to compel discovery).
9. Further, Plaintiffs' attorneys are working on a Response and Objection to Defendants' discovery requests. The parties have agreed to extend Plaintiffs deadline to serve objections to the discovery requests to October 11, 2024.
10. That is because, in addition to the other September deadlines Plaintiffs' attorneys are up against, it would be more efficient for Plaintiffs to respond to Defendants' discovery requests after

responding to the Motion to Dismiss, and after providing notice to the Court of any disputes on Plaintiffs' request for additional preliminary-injunction related discovery, which we are scheduled to do by October 10, 2024.

11. If Plaintiffs' extension request is granted, Defendants' reply to the Opposition to Motion to Dismiss will be due September 27, 2024. That is very close to their September 30, 2024 deadline for document production, and lead counsel for Defendants will be out of the office at that time. Accordingly, the parties are in agreement that a two-week extension for Defendants' reply brief, to October 11, 2024, is warranted.

Date: August 30, 2024

Respectfully submitted.

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COUNSEL FOR THE STATE OF TEXAS

CERTIFICATE OF SERVICE

I hereby certify that on August 30, 2024, I electronically filed the foregoing paper with the Clerk of the Court using this Court's CM/ECF system, which will notify all counsel of record of such filing.

/s/ Jenin Younes

Jenin Younes
NEW CIVIL LIBERTIES ALLIANCE

CERTIFICATE OF SERVICE

I hereby certify that counsel for all of the parties have conferred and agree upon this motion.

/s/ Jenin Younes

Jenin Younes

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[PROPOSED] ORDER

Upon consideration of Plaintiffs' consent motion for an extension of time, it is hereby:

ORDERED that the motion is **GRANTED**; and

ORDERED that the following schedule govern the parties' briefing on Defendants' Motion to Dismiss:

- Plaintiffs' Response to Defendants' Motion to Dismiss – due September 20, 2024
- Defendants' Reply to Plaintiffs' Opposition to Motion to Dismiss – due October 11, 2024